

From:

To: Adams, Marcia S [Marcia.Adams@SCDMV.net](mailto:Marcia.Adams@SCDMV.net)

Date: 5/4/2009 1:33:50 PM

Subject:

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FYI

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**From:** Gene Matthews  
**Sent:** Monday, May 04, 2009 10:48 AM  
**To:** 'Elizabeth Stevens'  
**Cc:** Ayesha Khan; Aaron J. Kozloski; [alindemann@DML-LAW.com](mailto:alindemann@DML-LAW.com)  
**Subject:** RE: Summers v. Adams - Claim against Mr. Ozmint in his individual capacity

Ms. Stevens:

My client – Ms. Adams – and I have difficulty understanding why you are maintaining your suit against her in her individual capacity, or why you want to subject her – and her alone – to the prospect of a significant award for attorney's fees and costs in her individual capacity.

In the alternative, we have no objection to your proceeding against both parties in their official capacities only.

Gene

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**From:** Elizabeth Stevens [<mailto:stevens@au.org>]  
**Sent:** Monday, May 04, 2009 10:25 AM  
**To:** Gene Matthews  
**Subject:** RE: Summers v. Adams - Claim against Mr. Ozmint in his individual capacity  
**Importance:** High

Mr. Matthews,

As I indicated in my phone message last week, we'd appreciate a response to the query below.

Many thanks,

**Elizabeth J. Stevens**

Madison Fellow  
Americans United for Separation of Church and State  
518 C Street NE  
Washington, DC 20002  
Phone: 202-466-3234  
Fax: 202-466-2587  
Email: [stevens@au.org](mailto:stevens@au.org)

Neither the above communication, nor any letter(s) we may write in an effort to resolve your concern, create an attorney-client relationship. Unless and until we enter into a formal, written retainer agreement with you, we are not acting as your attorneys in this matter, and we retain control over whether and how to take any action. Absent a formal attorney-client relationship with you, we cannot guarantee the confidentiality of your communications with us, although we always strive to maintain confidentiality and will not reveal the identity of a complainant without that person's permission or a court order requiring us to do so. If you would like an attorney to represent you in this matter, you are free to obtain formal counsel.

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**From:** Elizabeth Stevens  
**Sent:** Monday, April 27, 2009 12:08 PM  
**To:** [gmatthews@richardsonplowden.com](mailto:gmatthews@richardsonplowden.com); 'AndrewLindemann'  
**Cc:** Ayesha Khan; 'Aaron J. Kozloski'  
**Subject:** Summers v. Adams - Claim against Mr. Ozmint in his individual capacity

Gentlemen,

We are considering dropping our claim against Mr. Ozmint in his individual capacity, and we are interested to know whether your clients would consent to his dismissal from the suit. We intend to maintain our claim against Ms. Adams in her individual capacity, and our claims against both official-capacity defendants.

We would appreciate it if you would respond by close of business on Thursday, April 30, with your clients' positions on the dismissal of Mr. Ozmint in his individual capacity. This will enable us to determine how to proceed. If you have any questions, please don't hesitate to contact me.

Best regards,

**Elizabeth J. Stevens**

Madison Fellow

Americans United for Separation of Church and State

518 C Street NE

Washington, DC 20002

Phone: 202-466-3234

Fax: 202-466-2587

Email: [stevens@au.org](mailto:stevens@au.org)

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